

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66251 of 2025

Arising Out of PS. Case No.-372 Year-2025 Thana- GAYA KOTWALI District- Gaya

1. Hesamuddin Khan Son of Late Moinuddin Khan @ Mainuddin Khan Resident of Village - Bara, Ps- Gahmar, Gajipur at Present Resident of 83EB/H/23, Begachia, Ps- Belagachi, Dist- West Bengal
2. Raju Kumar Son of Late kallu Baskhor Resident of Village - Mangla Gauri, Ps- Vishnupad, Dist- Gaya ji

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh, Adv.
For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 07-01-2026 Heard the learned counsel for the petitioners and
learned APP for the State.

2. Petitioners, who are in custody, seek bail in connection with Gaya Kotwali P.S. Case No. 372 of 2025 registered for the offence(s) punishable under Section(s) 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, on receiving secret information, the police intercepted the truck and apprehended two persons namely, Hesamuddin Khan and Raju Kumar who were the driver and co-driver respectively. On search, total 600 litres of cough syrup was recovered.

4. The learned counsel for the petitioners submits that



the petitioners are innocent and has falsely been implicated in this case. It is further submitted that the petitioners are the driver and co-driver of the said vehicle and they have no concern with the consignment loaded in the said vehicle and that they were only obeying the order of their master. It has further been submitted that no recovery has been made from the conscious possession of the petitioners. It has lastly been submitted that the petitioners have clean antecedent and they are in custody since 31.07.2025.

5. The petitioners are willing and undertakes to deposit a sum of Rs. 5,000/- with the Advocate Association, Patna High Court.

6. The learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioners.

7. Regard being had to the facts and circumstances of the case and taking note of the fact that the petitioners have remained in custody since 31.07.2025, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand)each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection Gaya Kotwali P.S. Case No. 372 of 2025, subject to the following terms and



conditions :-

(i) One of the bailors shall be a close relative of the petitioners.

(ii) The petitioners shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the Court concerned.

(iv) If the petitioners, in future, are found to be involved in similar nature of offence(s), the prosecution shall be at liberty to move for cancellation of their bail bonds.

(v) The trial court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedents, the trial court shall take necessary steps for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for purpose of or in the name of verification.

8. The bail bonds of the petitioners shall be accepted by the learned Trial Court on showing receipt of deposit of aforesaid amount with the Advocate Association, Patna High



Court.

9. Accordingly, the prayer for bail is allowed.

10. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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